

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHERRY JAMES *as special administrator*
of the ESTATE OF MALCOLM JAMES, *deceased*,

Plaintiff,

Case No. 22-cv-344-pp

v.

RACINE COUNTY SHERIFF'S DEPARTMENT,
CHRISTOPHER SCHMALING, JUSTIN BRANDS,
ERLINDA RODRIGUEZ, JONATHAN KOSKI,
ADRIAN PAYNE, JOSUE DAVALOS-ALONSO,
MICHAEL SAULYS, CHRISTAIN BRINDIS,
JUSTIN GAUDES, MEN D CORRECTIONAL CARE, PLLC
and CRYSTAL KRISTAINSEN,

Defendants.

**ORDER STAYING PROCEEDINGS AGAINST MEN D CORRECTIONAL AND
REQUIRING PARTIES TO FILE STATUS REPORT**

On December 2, 2022, counsel for defendants MEN D Correctional Care, PLLC and Crystal Kristainsen filed a Notice of Bankruptcy Filing and Imposition of Automatic Stay. Dkt. No. 25. The pleading indicates that on November 30, 2022, MEN D Correctional filed a chapter 11 bankruptcy petition in the United States Bankruptcy Court for the District of Minnesota. Id. When a bankruptcy petition is filed, it operates as a stay on the “commencement or continuation . . . of a judicial . . . action or proceeding against the debtor that was or could have been commenced before the commencement of the case [under Title 11] or to recover a claim against the debtor that arose before the commencement of the case under [Title 11].” 11 U.S.C. § 362(a)(1).

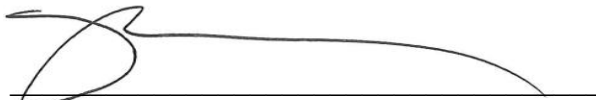
MEnD is one of twelve defendants who allegedly acted with medical indifference and negligence in the death of pretrial detainee Malcolm James. Dkt. No. 1. The Racine County Sheriff allegedly contracted with MEnD to provide medical services for Racine County Jail pretrial detainees; Kristainsen was one of MEnD's employees. Dkt. No. 1 at ¶11. Although this orders stays proceedings as to MEnD, the court will require the remaining parties to file a status report advising the court of how they wish to proceed given this development.

The court **ORDERS** that the proceedings are **STAYED** as to defendant MEnD Correctional Care, PLLC. The plaintiffs may move to lift the stay if they believe an exception exists. Any party may move to lift the stay within thirty days following the conclusion of the bankruptcy proceedings or the day on which the automatic stay is lifted.

The court **ORDERS** that the remaining parties must file a joint status report by the end of the day on **January 20, 2023** advising the court of the impact of the bankruptcy filing on the parties' claims. Until then, the case will proceed against the remaining defendants consistent with the scheduling order entered on July 14, 2022. Dkt. No. 23.

Dated in Milwaukee, Wisconsin this 6th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge